

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 377**

**Introduced by Assembly Member Chan**

February 14, 2003

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An act to amend ~~Section 27151~~ of *Sections 40000.15 and 42001* of, and to add *Section 27151.1* to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as amended, Chan. Vehicles: exhaust systems: modification.

Existing law establishes noise limits for various types of motor vehicles based on specified factors. Under existing law, a person is prohibited from modifying an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted so that the vehicle is not in compliance with the noise limits. Persons are also prohibited from operating a motor vehicle that is not in compliance. ~~Existing law describes a specific exhaust system, which may include nonoriginal exhaust equipment, installed on certain motor vehicles which are deemed in compliance with the noise restrictions.~~

~~This bill would delete the provision that currently deems certain exhaust systems, including nonoriginal exhaust equipment, within the scope of compliance with the noise limitations. Because this would expand the scope of an existing crime prohibit a motor vehicle from being operated with an exhaust pipe equipped with a device that modifies or amplifies the noise emitted from the vehicle, as specified. The bill would also make it a misdemeanor for a person to engage in the business of selling or installing these unlawful devices. Because the~~

*bill would create new crimes*, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. — Section 27151 of the Vehicle Code is amended~~  
2 *SECTION 1. Section 27151.1 is added to the Vehicle Code, to*  
3 *read:*  
4 *27151.1. (a) A motor vehicle may not be operated with an*  
5 *exhaust pipe equipped with a device that modifies or amplifies the*  
6 *noise emitted by the motor vehicle so that the vehicle is not in*  
7 *compliance with Section 27150.*  
8 *(b) (1) A person may not engage in the business of selling or*  
9 *installing devices described in subdivision (a).*  
10 *(2) A violation of paragraph (1) is a misdemeanor punishable*  
11 *by imprisonment in the county jail for not exceeding six months,*  
12 *or by a fine of two thousand five hundred dollars (\$2,500), or by*  
13 *both.*  
14 *SEC. 2. Section 40000.15 of the Vehicle Code is amended to*  
15 *read:*  
16 *40000.15. A violation of any of the following provisions shall*  
17 *constitute a misdemeanor, and not an infraction:*  
18 *Sections 23103 and 23104, relating to reckless driving.*  
19 *Section 23109, relating to speed contests or exhibitions.*  
20 *Subdivision (a) of Section 23110, relating to throwing at*  
21 *vehicles.*  
22 *Section 23152, relating to driving under the influence.*  
23 *Subdivision (b) of Section 23222, relating to possession of*  
24 *marijuana.*  
25 *Subdivision (a) or (b) of Section 23224, relating to persons*  
26 *under 21 years of age knowingly driving, or being a passenger in,*  
27 *a motor vehicle carrying any alcoholic beverage.*

1 Section 23253, relating to officers on vehicular crossings.

2 Section 23332, relating to trespassing.

3 Section 24002.5, relating to unlawful operation of a farm  
4 vehicle.

5 Section 24011.3, relating to vehicle bumper strength notices.

6 Section 27150.1, relating to *the* sale of exhaust systems.

7 *Subdivision (b) of Section 27151.1, relating to the sale of*  
8 *exhaust pipe devices.*

9 Section 27362, relating to child passenger seat restraints.

10 Section 28050, relating to true mileage driven.

11 Section 28050.5, relating to nonfunctional odometers.

12 Section 28051, relating to resetting odometers.

13 Section 28051.5, relating to devices to reset odometers.

14 Subdivision (d) of Section 28150, relating to possessing four or  
15 more jamming devices.

16 *SEC. 3. Section 42001 of the Vehicle Code is amended to read:*

17 42001. (a) Except as provided in Section 42000.5, 42001.1,  
18 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,  
19 42001.11, 42001.12, 42001.14, 42001.15, 42001.16, or  
20 subdivision (a) of 42001.17, or Section 42001.18, or subdivision  
21 (b) ~~or~~, (c), *or* (d) of this section, or Article 2 (commencing with  
22 Section 42030), every person convicted of an infraction for a  
23 violation of this code or of any local ordinance adopted pursuant  
24 to this code shall be punished as follows:

25 (1) By a fine not exceeding one hundred dollars (\$100).

26 (2) For a second infraction occurring within one year of a prior  
27 infraction which resulted in a conviction, a fine not exceeding two  
28 hundred dollars (\$200).

29 (3) For a third or any subsequent infraction occurring within  
30 one year of two or more prior infractions which resulted in  
31 convictions, a fine not exceeding two hundred fifty dollars (\$250).

32 (b) Every person convicted of a misdemeanor violation of  
33 Section 2800, 2801, or 2803, insofar as they affect failure to stop  
34 and submit to inspection of equipment or for an unsafe condition  
35 endangering any person, shall be punished as follows:

36 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment  
37 in the county jail not exceeding five days.

38 (2) For a second conviction within a period of one year, a fine  
39 not exceeding one hundred dollars (\$100) or imprisonment in the

1 county jail not exceeding 10 days, or both that fine and  
2 imprisonment.

3 (3) For a third or any subsequent conviction within a period of  
4 one year, a fine not exceeding five hundred dollars (\$500) or  
5 imprisonment in the county jail not exceeding six months, or both  
6 that fine and imprisonment.

7 (c) A pedestrian convicted of an infraction for a violation of  
8 this code or any local ordinance adopted pursuant to this code shall  
9 be punished by a fine not exceeding fifty dollars (\$50).

10 (d) *A person convicted of a violation of subdivision (a) of*  
11 *Section 27151.1 shall be punished by a fine of two hundred fifty*  
12 *dollars (\$250).*

13 (e) Notwithstanding any other provision of law, any local  
14 public entity that employs peace officers, as designated under  
15 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of  
16 the Penal Code, the California State University, and the University  
17 of California may, by ordinance or resolution, establish a schedule  
18 of fines applicable to infractions committed by bicyclists within its  
19 jurisdiction. Any fine, including all penalty assessments and court  
20 costs, established pursuant to this subdivision shall not exceed the  
21 maximum fine, including penalty assessment and court costs,  
22 otherwise authorized by this code for that violation. If a bicycle  
23 fine schedule is adopted, it shall be used by the courts having  
24 jurisdiction over the area within which the ordinance or resolution  
25 is applicable instead of the fines, including penalty assessments  
26 and court costs, otherwise applicable under this code.

27 ~~to read:~~

28 ~~27151. —A person may not modify the exhaust system of a~~  
29 ~~motor vehicle in a manner that will amplify or increase the noise~~  
30 ~~emitted by the motor of the vehicle so that the vehicle is not in~~  
31 ~~compliance with the provisions of Section 27150 or exceeds the~~  
32 ~~noise limits established for the type of vehicle in Article 2.5~~  
33 ~~(commencing with Section 27200). A person may not operate a~~  
34 ~~motor vehicle with an exhaust system so modified.~~

35 ~~SEC. 2.~~

36 *SEC. 4.* No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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